

1 Barry M. Vrevich, Esq. (SBN 123999)  
2 Jillian M. Fairchild, Esq. (SBN 246846)  
3 MAXIE RHEINHEIMER STEPHENS & VREVICH, LLP  
4 350 10<sup>TH</sup> Avenue, Suite 900  
5 San Diego, CA 92101  
6 (619) 515-1155; Fax (619) 515-1159

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8 Attorneys for Defendants  
9 **TERRA VAC CORPORATION and**  
10 **TERRA-VAC, INC. dba TERRA-VAC, P.R.**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

JACOB CALANNO, ) CASE NO. 07cv2052-BTM (POR)  
Plaintiff, )  
v. )  
TERRA VAC CORPORATION, a California )  
corporation; TERRA-VAC, INC., a )  
corporation, dba TERRA-VAC, P.R.; and )  
DOES 1 through 100, inclusive )  
Defendants. )  
\_\_\_\_\_  
)

Hearing Date: 05/02/2008  
Time : 11:00 a.m.  
Courtroom : 15

**NOTICE OF MOTION AND MOTION  
TO DISMISS FOR FAILURE TO  
STATE A CLAIM UPON WHICH  
RELIEF CAN BE GRANTED (FRCP  
12(b)(6))**

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY THE COURT**

**TO: PLAINTIFF AND HIS ATTORNEY OF RECORD:**

**PLEASE TAKE NOTICE** that on May 2, 2008 at 11:00 a.m. or as soon thereafter as the matter may be heard in the above-entitled court, located at United States District Court, Southern District of California, 940 Front Street, San Diego, CA 92101-8900, defendants TERRA VAC CORPORATION, TERRA-VAC, INC. dba TERRA-VAC, P.R. WILL MOVE THE COURT TO DISMISS THE ACTION PURSUANT TO FRCP 12(b)(6) because plaintiff's complaint fails to state a claim upon which relief can be granted.

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1 The motion will be based on this Notice of Motion and Motion, the Memorandum of  
2 Points and Authorities filed herewith, and the pleadings and papers filed herein.

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4 Dated: 3/18/08

MAXIE RHEINHEIMER STEPHENS &  
VREVICH, LLP

6 By: Barry M. Vrevich

7 Barry M. Vrevich  
8 Jillian M. Fairchild

9 Attorneys for Defendant, **TERRA VAC**  
10 **CORPORATION and TERRA-VAC,**  
11 **INC. dba TERRA-VAC, P.R.**

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